

Senate File 172 - Introduced

SENATE FILE 172

BY ERNST

A BILL FOR

1 An Act relating to the length of on-duty periods and required
2 rest periods for drivers of rail crew transport vehicles,
3 and providing penalties.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.449A Rail crew transport
2 drivers.

3 1. A driver of a motor vehicle operated for hire which is
4 designed to transport seven or more persons but fewer than
5 sixteen persons including the driver and is used to transport
6 railroad workers to or from their places of employment or
7 during the course of their employment is subject to the
8 following limitations:

9 a. The driver shall not drive such a vehicle more than ten
10 hours following eight consecutive hours of uninterrupted rest.

11 b. The driver shall not drive such a vehicle for any period
12 after having been on duty for fifteen hours following eight
13 consecutive hours of uninterrupted rest.

14 c. The driver shall not accept a call for service from the
15 driver's employer during a period of uninterrupted rest.

16 2. For purposes of this section, the following definitions
17 apply:

18 a. "*Employer*" means a railroad worker transportation
19 company, as defined in section 327F.39, for whom the driver
20 performs a service, either for wages or as an independent
21 contractor.

22 b. "*On duty*" means all time from the time a driver begins
23 work or is required to be ready to work until the time the
24 driver is relieved from work and all responsibility for
25 performing work, whether or not the driver is compensated for
26 all of the time. A driver may drive more than one assigned
27 trip, as long as the trip falls within the on-duty period. A
28 driver "*begins work*" when the driver enters a transport vehicle
29 to begin a trip assignment and is not "*relieved from work*" until
30 the driver has exited the transport vehicle for the final time.

31 c. "*Uninterrupted rest*" means that the employer shall not
32 communicate with the driver by telephone, pager, or in any
33 other manner that could reasonably be expected to disrupt the
34 driver's rest.

35 3. A person who violates this section commits a simple

1 misdemeanor punishable as a scheduled violation under section
2 805.8A, subsection 13, paragraph "b".

3 Sec. 2. Section 327F.39, subsection 1, Code 2013, is amended
4 by adding the following new paragraphs:

5 NEW PARAGRAPH. *0c.* "Driver" means a person who operates
6 a motor vehicle for the transportation of railroad workers in
7 the motor vehicle on behalf of a railroad worker transportation
8 company, whether the person is employed by the company for
9 wages or drives for the company as an independent contractor.

10 NEW PARAGRAPH. *0g.* "Railroad worker transportation
11 company" means a person, other than a railroad corporation,
12 organized for the purpose of or engaged in the business of
13 transporting, for hire, railroad workers to or from their
14 places of employment or in the course of their employment in
15 motor vehicles designed to carry seven or more persons but
16 fewer than sixteen persons including the driver.

17 Sec. 3. Section 327F.39, Code 2013, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 4A. *Rest periods for drivers.*

20 *a.* A railroad worker transportation company shall not
21 require a driver to operate a motor vehicle in violation of
22 section 321.449A. A railroad worker transportation company
23 may require a period of uninterrupted rest for a driver at
24 any time. The period of uninterrupted rest shall not be less
25 than eight hours, and shall be at least ten hours following an
26 on-duty period of more than eight hours. A railroad worker
27 transportation company shall clearly communicate to a driver
28 when a period of uninterrupted rest is to begin.

29 *b.* A railroad company shall not require a driver to operate
30 a motor vehicle in violation of section 321.449A or this
31 subsection.

32 *c.* For purposes of this subsection, "uninterrupted rest" and
33 "on duty" mean the same as defined in section 321.449A.

34 Sec. 4. Section 327F.39, subsection 6, Code 2013, is amended
35 to read as follows:

1 6. *Penalty.*

2 a. Violation by the owner of a motor vehicle of this
3 section, a rule adopted under this section, or an order issued
4 under subsection 5, or willful failure to comply with such an
5 order is, upon conviction, subject to a schedule "one" penalty
6 as provided under section 327C.5.

7 b. A violation of subsection 4A or rules adopted pursuant to
8 subsection 4A by a railroad worker transportation company or a
9 railroad corporation is punishable as a schedule "one" penalty
10 under section 327C.5.

11 Sec. 5. Section 805.8A, subsection 13, paragraph b, Code
12 2013, is amended to read as follows:

13 b. For a violation under section 321.449, or 321.449A, the
14 scheduled fine is fifty dollars.

15 EXPLANATION

16 This bill provides that a person who drives a motor vehicle
17 transporting railroad workers is subject to hours-of-service
18 restrictions similar to those that apply to commercial vehicle
19 operators.

20 The bill prohibits a driver from driving a motor vehicle
21 for hire, which is designed to transport seven or more persons
22 but fewer than 16 persons including the driver and which is
23 used to transport railroad workers to or from their places
24 of employment or during the course of their employment,
25 for more than 10 hours following eight consecutive hours of
26 uninterrupted rest; prohibits driving such a motor vehicle
27 for any period after having been on duty for 15 hours
28 following eight consecutive hours of uninterrupted rest; and
29 prohibits accepting a call for service during a period of
30 uninterrupted rest. The bill provides a detailed definition
31 of "on duty", which includes all time for which the driver is
32 or is not compensated from the time a driver begins work or
33 is required to be ready to work until the time the driver is
34 relieved from work and all responsibility for performing work.
35 "Uninterrupted rest" means the employer shall not communicate

1 with the driver in any manner that could reasonably be expected
2 to disrupt the driver's rest.

3 A driver who violates the hours-of-service restrictions
4 commits a simple misdemeanor punishable by a scheduled fine
5 of \$50. This is the same penalty that currently applies for
6 hours-of-service violations by commercial vehicle operators.

7 The bill prohibits a railroad worker transportation company
8 from requiring a driver to operate a motor vehicle in violation
9 of the hours of service requirements established under the
10 bill. A railroad worker transportation company may require a
11 period of uninterrupted rest at any time. The minimum period
12 of uninterrupted rest shall be eight hours, but if the driver
13 has been on duty for more than eight hours, the period of
14 uninterrupted rest shall be at least 10 hours. The company is
15 required to clearly communicate to a driver when a period of
16 uninterrupted rest is to begin.

17 The bill provides that a violation of the provisions of the
18 bill by a railroad worker transportation company or a railroad
19 corporation is a schedule "one" penalty, subject to a fine of
20 \$100 under current law applicable to railroads.